

### REMARKS

In the last Office Action, the Examiner objected to the drawings, specification, abstract and claims as containing informalities. Claim 16 was rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Claims 1-3, 7, 9, 11, 13-15 and 18-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,575,271 to Hashimoto et al. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hashimoto et al. in view of U.S. Patent No. 1,717,731 to Nikonow. Claims 4, 5, 10, 12, 17, 24 and 25 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form to incorporate the subject matter of the corresponding base and intervening claims. Additional art was cited of interest.

Applicants and applicants' counsel note with appreciation the indication of allowable subject matter concerning claims 4, 5, 10, 12, 17, 24 and 25. For the reasons noted below, applicants submit that claims 6-9, 11, 13-16 and 18-20 also patentably distinguish from the prior art of record.

In accordance with the present response, the abstract and specification have been suitably revised to correct the informalities noted by the Examiner. Allowable claims 4, 10, 12, 17 and 24 have been rewritten in independent

**IN THE DRAWINGS:**

Submitted herewith are replacement sheets for Figs. 1, 3-7 and 12 incorporating revisions to overcome drawing objections. More specifically, Figs. 1, 5, 6, 7 have been revised to correctly designate the components 22-23 of the barrel 2, Fig. 3 has been revised to remove reference numeral "2", and Figs. 4 and 12 have been revised to show the rib 17 and 139, respectively, in phantom lines. Also submitted are marked-up copies labeled "Annotated Marked-Up Drawing" and showing in red the drawing revisions in Figs. 1, 3-7 and 12.

form to incorporate the subject matter of the corresponding base and intervening claims. Claims 6-9, 14, 19, 20 and 11, 13 have been amended to depend on amended allowable claims 4 and 10, respectively, and, therefore, are also allowable. Claims 4, 6-14, 16, 17, 19, 20 and 24 have also been amended to overcome the objections and Section 112 rejections raised by the Examiner except for the objections set forth in (C) and (D) in paragraph 6 of the Office Action as discussed below. Claims 5, 15, 18 and 25, which have not been amended, depend on allowable claims 4 and 24, respectively, and, therefore, are also allowable over the prior art of record. Claims 1-3 and 21-23 have been canceled.

In view of the foregoing amendments to the claims, applicants submit that the prior art rejections of claims 1-3, 6-9, 11, 13-16 and 18-23 under 35 U.S.C. §§102, 103 have been rendered moot and that pending claims 4-20 and 24-25 are in condition for allowance.

Submitted herewith are replacement sheets for Figs. 1, 3-7 and 12 incorporating revisions to overcome drawing objections. More specifically, Figs. 1, 5, 6, 7 have been revised to correctly designate the components 22-23 of the barrel 2, Fig. 3 has been revised to remove reference numeral "2", and Figs. 4 and 12 have been revised to show the rib 17 and 139, respectively, in phantom lines. Also submitted are

marked-up copies labeled "Annotated Marked-Up Drawing" and showing in red the drawing revisions in Figs. 1, 3-7 and 12.

Applicants respectfully traverse the objections to claims 2-20 and 22-25 set forth in sections (C) and (D) in paragraph 6 of the Office Action.

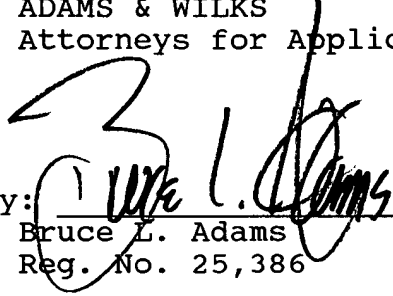
The use of "A" to preface the preamble of dependent claims and the use of a semi-colon to separate the preamble from the body of dependent claims are notoriously common and acceptable in U.S. patent practice. In this regard, the Examiner's attention is respectfully directed to the dependent claims of U.S. Patent Nos. 6,799,135 and 6,769,501, for example, which have preambles prefaced with "A" and semi-colons separating the preamble from the body of the claims.

In view of the foregoing, applicants respectfully submit that the objections to claims 2-20 and 22-25 set forth in sections (C) and (D) in paragraph 6 of the Office Action have been overcome and should be withdrawn.

In view of the foregoing amendments and discussion,  
the application is believed to be in allowable form.  
Accordingly, favorable reconsideration and allowance of the  
claims are most respectfully requested.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Debra Buonincontri

Name



Signature

October 4, 2004

Date

### ABSTRACT OF THE DISCLOSURE

A writing instrument has a tubular member having a longitudinal axis and an aperture at an end thereof. A writing component is mounted in the tubular member and has a writing tip at an end portion thereof. The tubular member and the writing component are movable relative to one another in an axial direction along the longitudinal axis of the tubular member between a writing position at which the writing tip protrudes from the aperture of the tubular member and a housed position at which the writing tip is disposed in the tubular member. An airtight sleeve is connected to the end portion of the writing component for movement between an advanced position and a retracted position. The airtight sleeve has a bore through which the end portion of the writing component passes during movement of the writing component between the writing position and the housed position.

FIG. 1

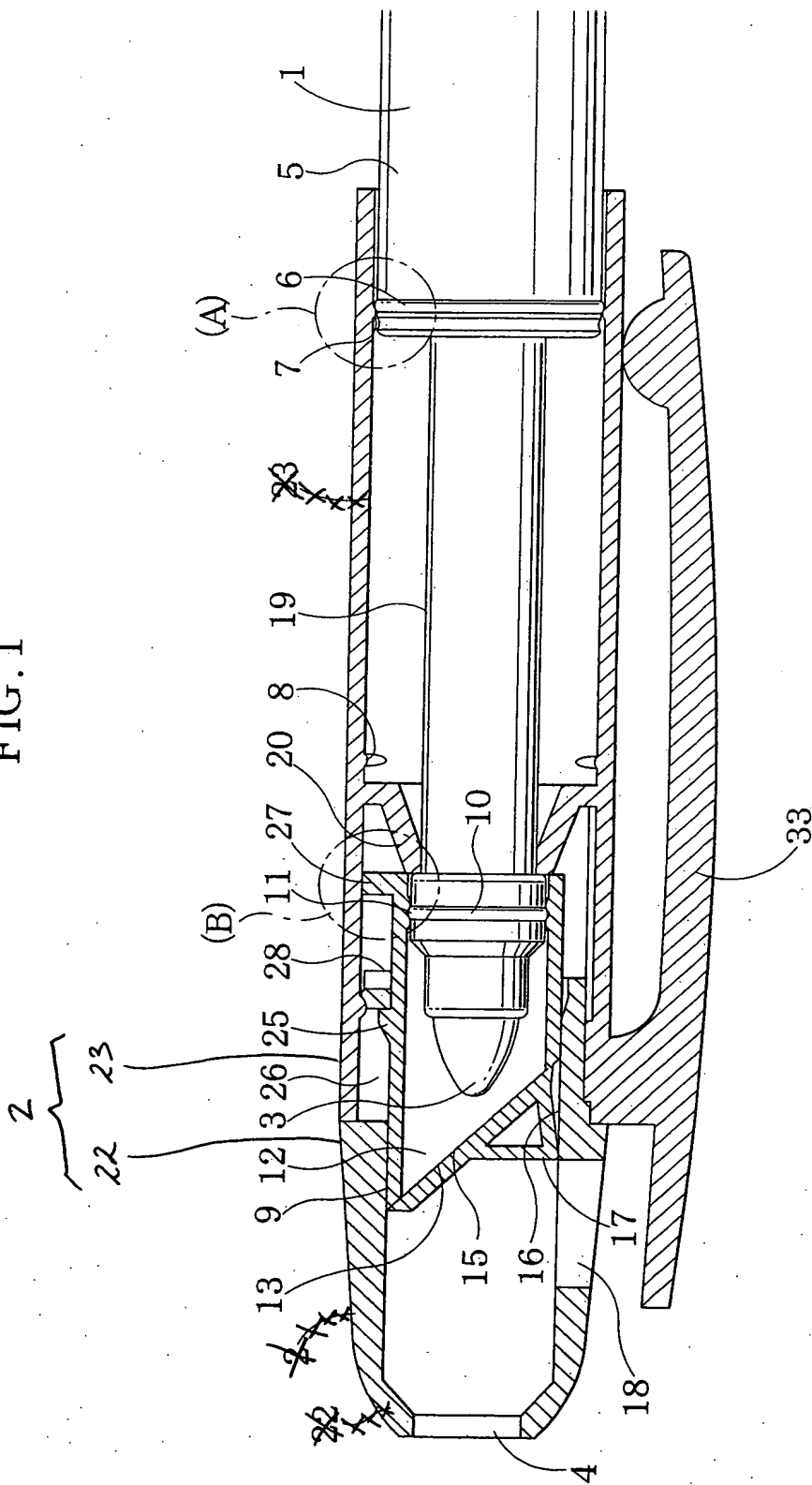


FIG. 2 ( A )

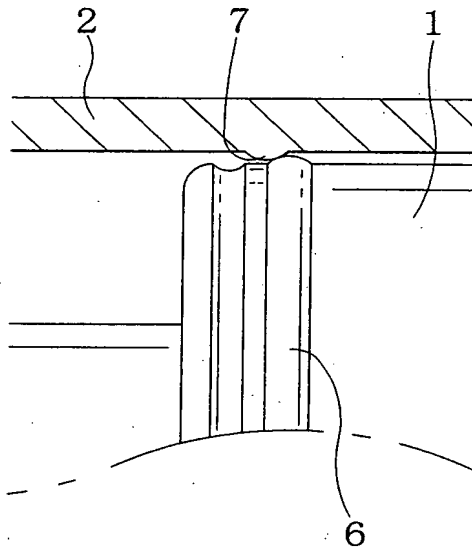


FIG. 2 ( B )

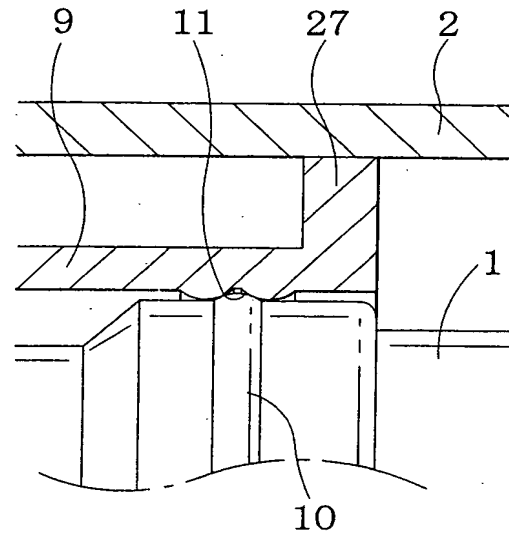


FIG. 4

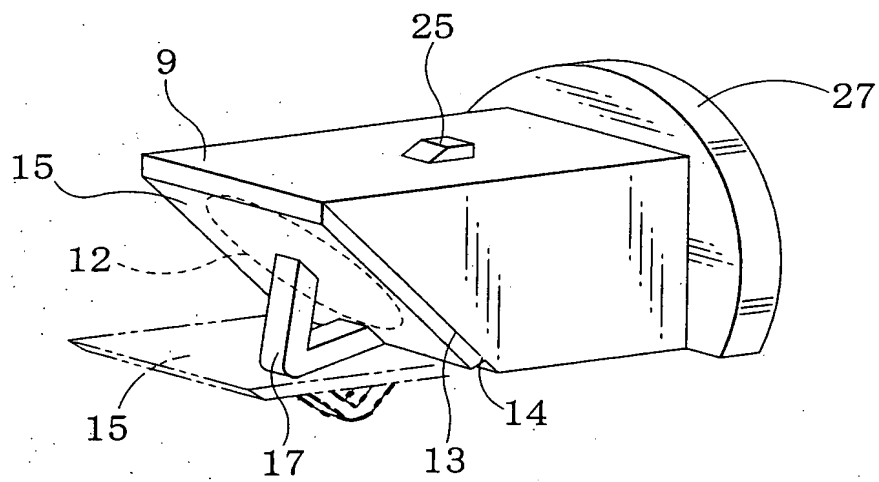


FIG. 3

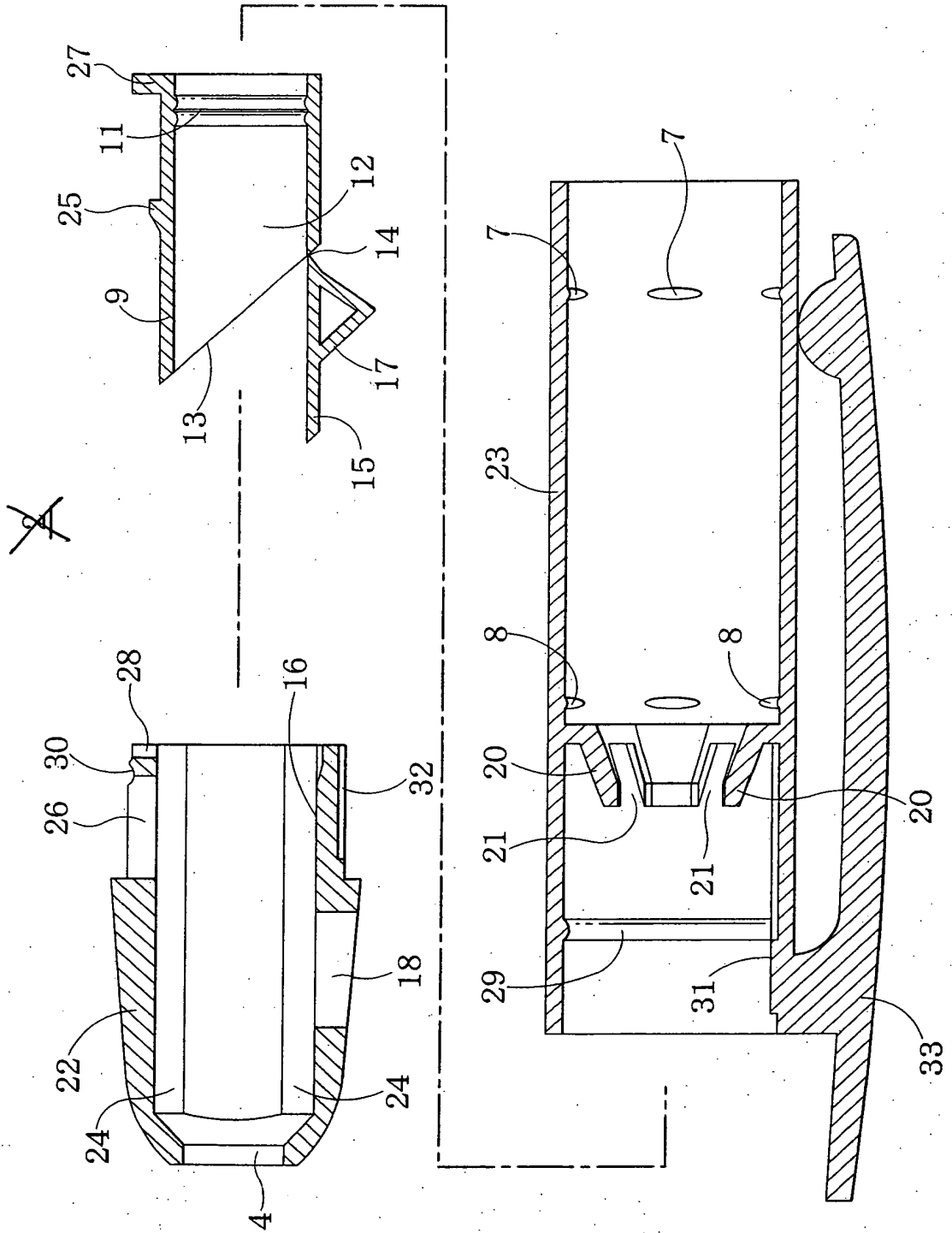


FIG. 5

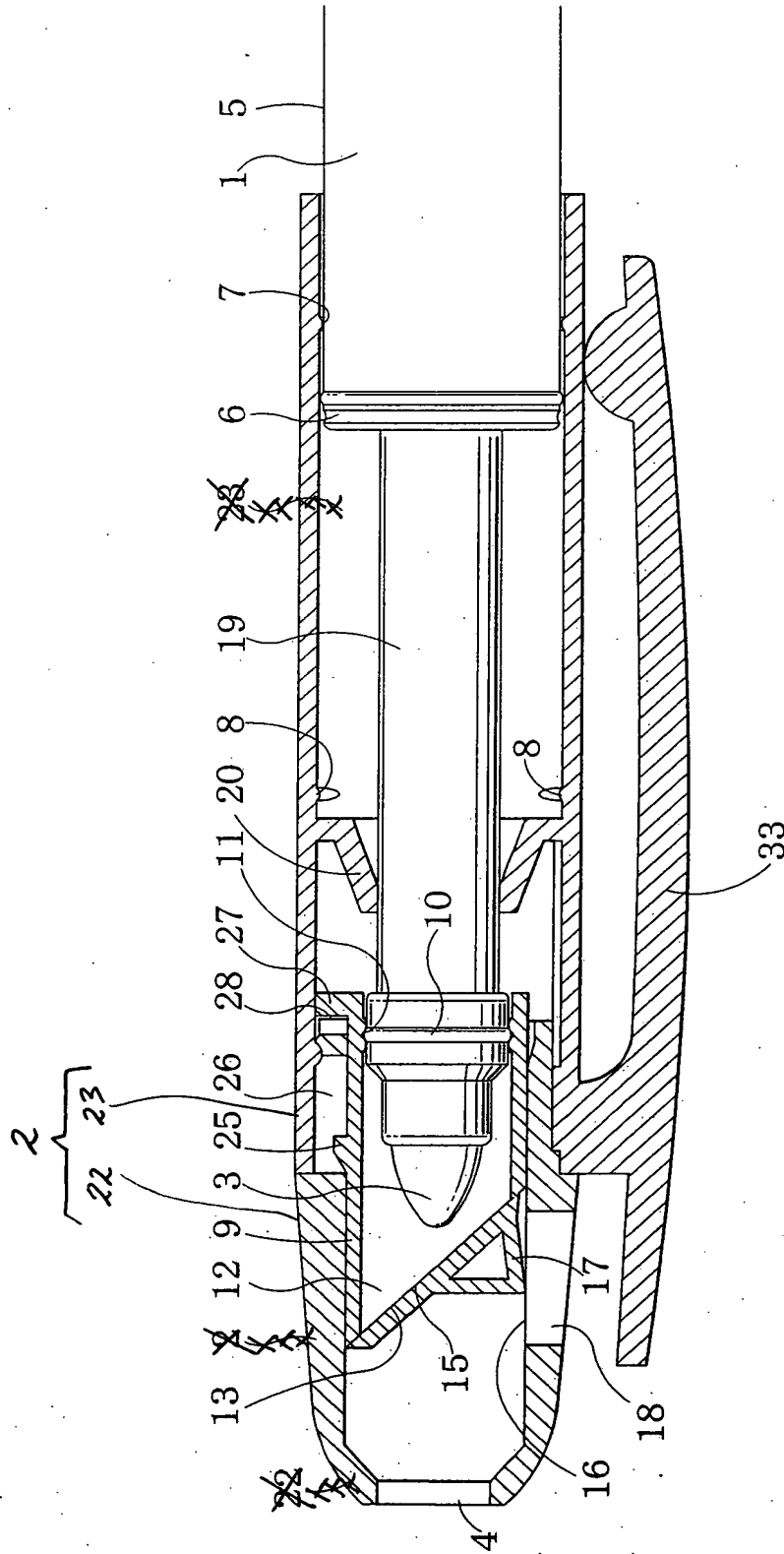


FIG. 6

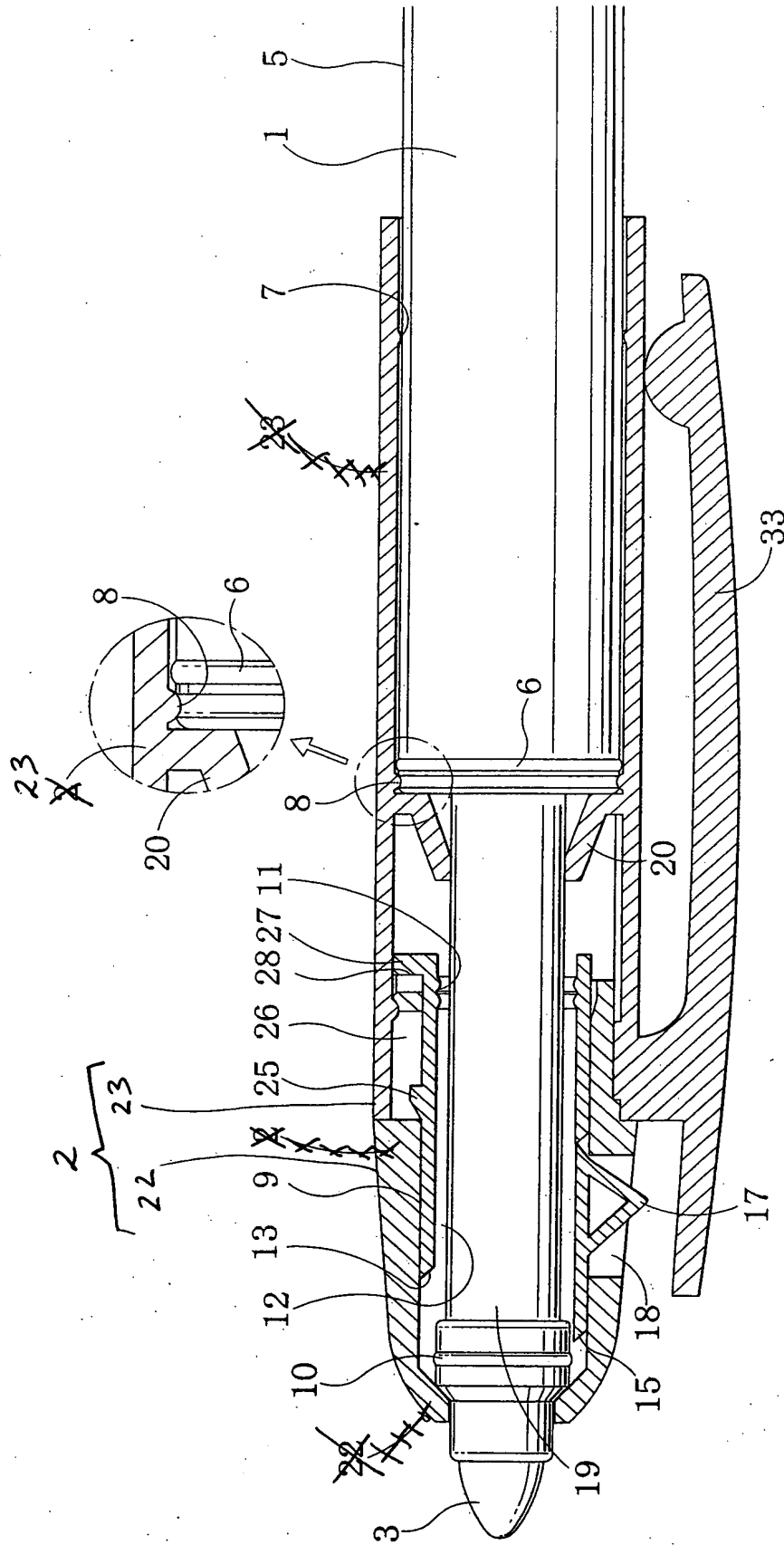


FIG. 7

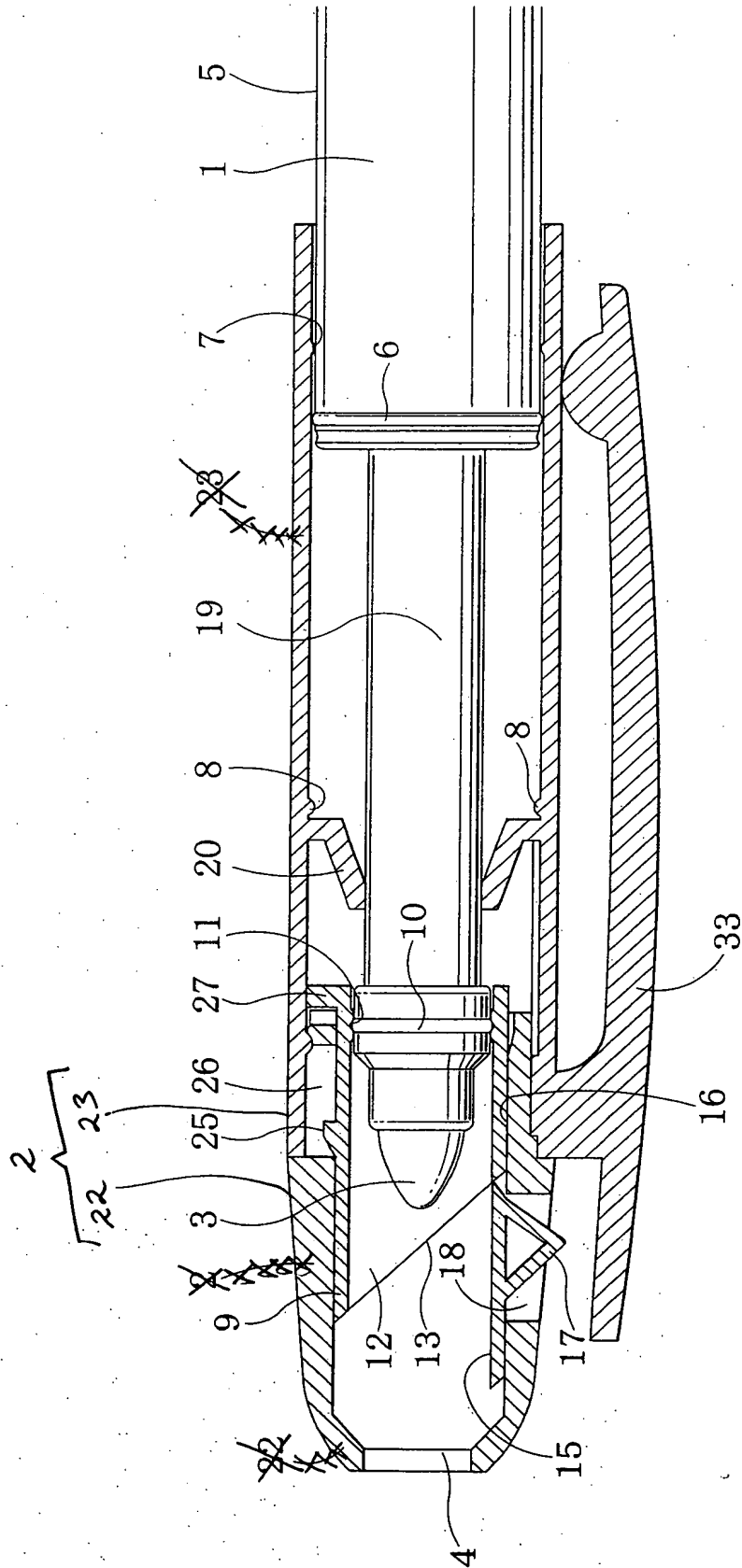


FIG. 11 ( A )

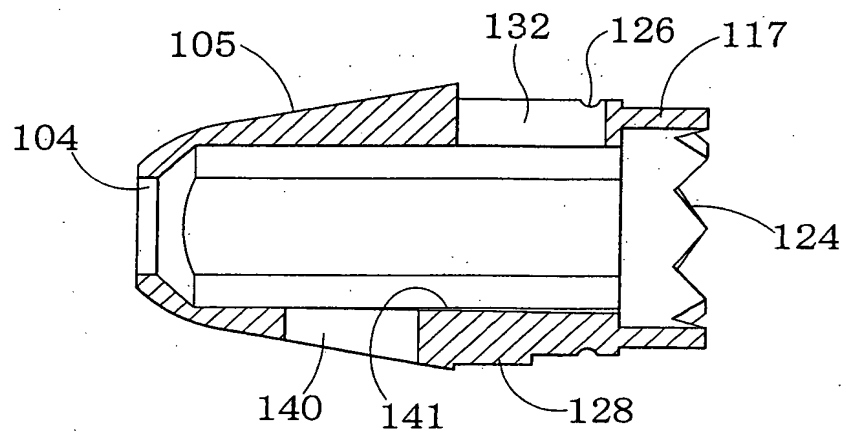


FIG. 11 ( B )

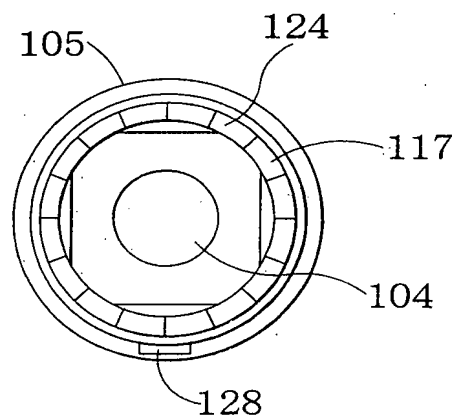


FIG. 12

